

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 37-54 have been objected to as containing informalities; Claims 37-54 have been rejected under 35 U.S.C. §112, second paragraph, as being vague and indefinite; Claims 37-40 have been rejected under 35 U.S.C. §102 as being anticipated by Fischer et al.; Claims 37 and 41-46 have been rejected under 35 U.S.C. §102 as being anticipated by Studer et al.; and Claims 47-54 have been rejected under 35 U.S.C. §103 as being unpatentable over Fischer et al. Claims 38-41, 46 and 48-49 have been canceled, without prejudice, and thus, Claims 37, 42-45, 47 and 50-54 remain active.

Considering first then the Examiner's objection to the language of Claims 37-54, it is to be noted that such claims have now been amended for closer compliance with U.S. patent practice and procedure.

Next considering then the rejection of Claims 37-54 under 35 U.S.C. §112, second paragraph as being vague and indefinite, it is to be noted that the claims have now been amended for compliance with 35 U.S.C. §112, second paragraph. In addition, Claims 38-41, 46 and 48 have been canceled, without prejudice.

Considering next then the rejection of Claims 37-40 under 35 U.S.C. §102 as being anticipated by Fischer et al., the rejection of Claims 37 and 41-46 under 35 U.S.C. §102 as being anticipated by Studer et al. and the rejection of Claims 47-54 under 35 U.S.C. §103 as being unpatentable over Fischer et al., it is to be noted that Claim 37 has now been amended so as to include the language of Claim 41, now cancelled, with appropriate amendments for compliance with 35 U.S.C. §112. More particularly, Claim 37 has now been amended to include the language of Claim 41 with additional amendments and thus now claims a cup-shaped element having radial slots formed in a side wall thereof, thus forming petals which

are spaced apart and are bendable elastically or plastically inward, said slots forming open spaces between said petals. In addition, Claim 37 claims a recess formed in a lower portion of the side wall for increasing flexibility of the petals. The advantage of the combination of the slots and the recess is as explained at page 8, lines 24-35 which indicates:

The side wall 9 is thus divided into four "petals" by these, slots 18, which, in combination with the, recess at 15, give the insert 6 flexibility, the "petals" thus, being able to bend inward in order to allow, by elastic or even plastic deformation, the insert 8 to be introduced into a hole 2; once the insert B has been introduced, the petals resume their initial position, matching the regions 5 and 6 that define the hole, 2. Thus, the, insert 8 is caught under the aforementioned bead. However, a space is formed in this position between the walls 7 and 14, making it easier for the insert 8 to be removed should this be necessary.

By comparison, Fischer et al. has no teaching or disclosure of slots or recesses as presently claimed. While the Examiner has cited teachings of Studer et al. as having a plurality of slits 12 formed in a screw nut which is the equivalent of Applicants' claimed radial slots, the discussion at column 4, line 61 through column 5, line 10 of Studer et al. indicates that the slits 12 only pass through the thread of the spherical screw nuts 10 in order to achieve an inward deformation of the thread passages and an additional cramping on the screw shaped extension 11 when pressed together between the conical pressing surfaces 5, 16. More particularly, it is noted that Figures 7-10 and 14 illustrate slits 12 which lie in planes which pass through the access of the screw. More particularly, in Figures 11-13, the slits lie in planes which are perpendicular to the axis of the screw. As can thus be appreciated, the slits are only formed in the screw portion of the nuts 10 and thus clearly do not provide slots in a cup-shaped element so as to form petals which are spaced apart and are bendable elastically or plastically inward, the slots forming open spaces between the petals, as clearly illustrated in Figure 3 of the present application, for example. Furthermore, there is no teaching or disclosure of a recess formed in a lower peripheral portion of the side wall of

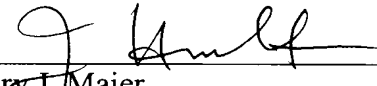
the screw nut 10 or any other structural element in Studer et al. Accordingly, it is submitted that Claim 37 as now amended clearly patentably defines over the above-noted references as well as the remaining references of record. In view of the dependency of the claims dependent upon independent Claim 37, it is submitted that each of such claims also patentably define over the above-noted references and thus merit indication of allowability.

Claim 54 contains method limitations for the process of manufacturing a glass plate having the insert mentioned in Claim 37 and includes the step of positioning the insert within the at least one hole having the features claimed and the step of forming a recess and a lower peripheral portion of the side wall of the cup-shaped element. Again, insofar as neither Studer et al. nor any of the remaining references of record teach or disclose these limitations, it is submitted that Claim 54 also merits indication of allowability.

In view of the foregoing, and in view of the incorporation of the language of Claim 41 into Claim 37, entry of this amendment is believed to be in order along with favorable reconsideration of the application and the same is hereby respectfully requested.

Respectfully submitted,

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